



#13/ Amended  
4/19/01  
C. McKing

PATENT  
Attorney Docket No. 71538

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James J. Fitzgibbon  
Colin B. Willmott  
  
Appln. No. 09/387,659  
  
Filed: Herewith  
  
Title: GARAGE DOOR  
OPERATOR SAFETY  
EQUIPMENT  
  
Group  
Art Unit:  
  
Examiner:

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "Express Mail" Mailing Label Number

) EL 743308447 US

) Date of Deposit April 16, 2001

) I hereby certify that this paper or fee is being  
) deposited with the United States Postal Service  
) "Express Mail Post Office to Addressee" Service  
) under 37 CFR §1.10 on the date indicated above  
) and is addressed to the Commissioner of Patents  
) and Trademarks, Washington, D.C. 20231.

) Edward Price

) (Typed or printed name of person mailing)

) 

) (Signature of person mailing)

**Box CPA**  
Director-U.S. Patent and Trademark Office  
Attn. Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Sir:

This Amendment is being filed in the above-identified Continuing Prosecution Application (CPA) and is in response to the Office Action dated October 16, 2000, received in the parent application which was made Final. Please amend the above-identified CPA as follows:

IN THE CLAIMS

Please amend claims 15 and 18 as follows:

C1 15. (Amended) In a movable barrier operator comprising a movement control apparatus for controlling movement of a barrier in response to commands, the method comprising:

                    sending a command to the movement control apparatus specifying one of open, close, or stop movement of the barrier;  
                    checking the movement control apparatus to determine whether the



04-17-01  
CONTINUED PROSECUTION PATENT  
APPLICATION TRANSMITTAL

(for Continued Prosecution Applications  
under 37 C.F.R. §1.53(d))

Attorney Docket No. 71538

First Named Inventor: James J. Fitzgibbon

REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA)  
UNDER 37 C.F.R. §1.53(d)

# 12/CPA  
4/19/01  
C. McKinnon

Box CPA

Director-U.S. Patent and Trademark Office  
ATTENTION: Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a  
Continued Prosecution Application  
(CPA) under 37 C.F.R. §1.53(d)  
which is a:

- (X) Continuation application,  
( ) Divisional application,

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) is addressed to the Commissioner of Patents and  
) Trademarks, Washington, D.C. 20231.

) Edward Price

) (Typed or printed name of person mailing)

) *Edward Price*  
) (Signature of person mailing)

of pending prior nonprovisional application number 09/387,659, filed on  
August 31, 1999, entitled Garage Door Operator Safety Equipment  
(Date)

by the following named inventor(s) identified by full name, citizenship,  
residence and post office address, which are the same or fewer than all of  
the inventors named in the prior nonprovisional application (as of today's  
date):

James J. FITZGIBBON  
1521 Handley Lane  
Batavia, Illinois 60510  
U.S.A.

Colin B. Willmott  
917 Saybrook Lane  
Buffalo Grove, Illinois 60089  
U.S.A.

04/18/2001 MKORDMA 00000029 09387659

02 FC:131

710.00 OP

The above-identified prior nonprovisional application, in which no payment  
of the issue fee, abandonment of, or termination of proceedings, has  
occurred, is hereby expressly abandoned as of the filing date of this

request for a continued prosecution application. Please use the file jacket and all the contents of the prior nonprovisional application, including the specification, drawings, and the oath or declaration, as the basic papers for the new continued prosecution application. (Note: 37 C.F.R. §1.53(b) may be used for applications where the prior application is not to be abandoned.)

1. ( ) Because this continued prosecution application is filed by fewer than all of the inventors named in the prior nonprovisional application, please delete from this application the following inventor(s) named in the prior nonprovisional application:  
  
\_\_\_\_\_

2. ( ) Priority of application number \_\_\_\_/\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.

( ) The certified copy of the priority document has been filed in prior application number \_\_\_\_/\_\_\_\_, filed \_\_\_\_\_.

( ) A certified copy of the priority document is enclosed.

3. ( ) An Information Disclosure Statement is enclosed.

( ) A Form PTO-1449 is enclosed.

( ) \_\_\_\_\_ References (copies) listed on the Form PTO-1449 are enclosed.

4. (X) A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

5. (X) A Return Receipt Postcard is enclosed (MPEP §503).

6. ( ) Small Entity Status (37 C.F.R. §1.28(a)(2)):

( ) A statement of status as small entity is enclosed.

( ) A statement of status as small entity was filed in the prior, nonprovisional application, and small entity status is still proper and desired in this new nonprovisional application.

( ) Status as a small entity is no longer claimed.

7. ( ) Enter the amendment previously filed on \_\_\_\_\_ under 37 C.F.R. §1.116, but unentered, in the prior nonprovisional application.

- (X) A preliminary amendment to the prior nonprovisional application (as it existed prior to the filing of this new application) requesting new changes to the prior nonprovisional application is enclosed, and does not introduce new matter into the prior or new application.

9. (X) The filing fee is calculated below:

Fee Calculation under 37 C.F.R. §1.16 For Claims Existing in the Prior Nonprovisional Application, As Amended at 7 and 8 Hereinabove		
( ) Basic Utility Fee	\$710.00	\$ <u>710.00</u>
• ( ) Independent Claims <u>2</u> - 3 = <u>0</u> x \$ 80.00 =		\$ <u>-0-</u>
• ( ) Total Claims <u>4</u> - 20 = <u>0</u> x \$ 18.00 =		\$ <u>-0-</u>
• ( ) Fee for Multiply Dependent Claims	\$270.00	\$ <u>          </u>
or		
( ) Basic Design Fee	\$ 320.00	\$ <u>          </u>
Total of above Calculations		\$ <u>          </u>
Reduction by 50% for Filing by Small Entity		\$ <u>          </u>
Total		\$ <u>710.00</u>

10. (X) The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. §§1.16 and 1.17 and are not paid herewith, or credit any overpayment, to Deposit Account Number 06-1135. A duplicate copy of this request is enclosed.

11. (X) A check in the amount of \$ 710.00 is enclosed.

12. (X) The prior nonprovisional application is assigned of record to The Chamberlain Group, Inc.

13. (X) The power of attorney in the prior nonprovisional application is to:

(X) Kenneth H. Samples, Reg. No. 25,747,

FITCH, EVEN, TABIN, & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
and other members of the firm.

(X) Customer Number 22242.

14. ( ) A new power of attorney or authorization of agent is enclosed.

15. ( ) Also enclosed:

16. (X) Address all future communications to Customer Number 22242.



It is understood that confidentiality by the applicants under 35 U.S.C. §122 is hereby waived to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning either the prior nonprovisional application, or any continuing application filed under 37 C.F.R. §1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

April 16, 2001  
(Date)

*Kenneth H. Samples*  
Kenneth H. Samples  
Registration No. 25,747  
(X) Attorney or agent of record  
( ) Inventor(s)  
( ) Assignee  
( ) Filed under §1.34(a)

FITCH, EVEN, TABIN & FLANNERY  
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